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Signed and Filed: December 4, 2019

DENNIS MONTALI
U.S. Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION

- and -

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and
Electric Company
☒ Affects both Debtors

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

**ORDER ADDING CERTAIN CALIFORNIA
STATE AGENCIES AS PARTIES TO
CONFIDENTIALITY AND PROTECTIVE
ORDER [DKT. NO. 3405], AS MODIFIED
HEREIN**

[No hearing requested]

1 The Court having considered the *Stipulation and Agreement for Order Adding the United*
2 *States of America as Parties to Confidentiality and Protective Order as Modified* (“**Stipulation**
3 **and Agreement for Order**”) entered into by PG&E Corporation and Pacific Gas and Electric
4 Company, as debtors and debtors in possession (collectively, the “**Debtors**”), on the one hand, and
5 the California Department of Forestry and Fire Protection, California Department of Toxic
6 Substances Control, California Governor’s Office of Emergency Services, California Department
7 of Veterans Affairs, California State University, California Department of Parks and Recreation,
8 California Department of Developmental Services and the California Department of Transportation
9 (collectively, the “**California State Agencies**”)¹, on the other hand, filed on December 3, 2019;
10 and good cause appearing,

11 IT IS HEREBY ORDERED:

12 The California State Agencies shall be Parties to the Confidentiality and Protective Order
13 issued by the United States Bankruptcy Court for the Northern District of California on August 7,
14 2019 in In re PG&E Corp., et al., CASE NO. 3:19-bk-30088 at Docket No. 3405 (the “Order”), as
15 modified herein.

16 The Order is hereby modified solely with respect to the California State Agencies as
17 follows:

18 1. Treatment of Confidential Information for Law Enforcement Purposes.

19 Notwithstanding anything to the contrary in the Order, the California State Agencies may use
20 Protected Material for duly authorized law enforcement or regulatory purposes and disclose such
21 information to law enforcement personnel and agencies as set forth in California Government Code
22 § 11181(g), and personnel of other California government agencies for such purpose (in either case,
23 hereinafter referred to as “Law Enforcement Personnel”), provided that all such Law Enforcement
24 Personnel agree to maintain the confidentiality of all Protected Material consistent with the terms
25 of this Order. To the extent the California State Agencies or Law Enforcement Personnel deem it
26 necessary in their regulatory or law enforcement discretion to disclose Protected Material in any

27
28 ¹ For avoidance of doubt, the California State Agencies joining the Order are only those listed
herein above.

1 public filing before a court or regulatory body, the California State Agencies or Law Enforcement
2 Personnel may do the following: (a) file a motion or request with the applicable court or regulatory
3 body to submit the Protected Material under seal for a minimum of 20 business days based on the
4 terms of this Protective Order; (b) provide the Designating Party written notice no fewer than the
5 greater of (i) 14 calendar days or (ii) 10 business days prior to the day such motion or request is
6 filed so as to allow the Designating Party an opportunity to request that the filing remain under seal;
7 and (c) agree to maintain the filing under seal for 20 business days, unless an applicable court or
8 regulatory body orders otherwise. Provided, however, nothing in the Order or any modification
9 herein: (i) prevents the California State Agencies or Law Enforcement Personnel from obtaining
10 any document or writing produced in discovery in the Chapter 11 Cases through any other lawful
11 procedure(s) and to use the information obtained through such lawful procedure(s) in accordance
12 with applicable law or (ii) limits the California State Agencies or Law Enforcement Personnel from
13 challenging, at any time, the propriety of a confidential designation under the terms of the Order.

14 2. Treatment of Confidential Information Under California Public Records Act.

15 Protected Material may include documents relating to litigation and confidential financial,
16 proprietary and trade secret information of the Debtors entitled to protection from public disclosure
17 under 11 U.S.C. § 107. As such, a Designating Party may contend that the Protected Material is
18 exempt from disclosure under the California Public Records Act (Cal. Gov't Code § 6250 *et seq.*),
19 and protected from disclosure under 11 U.S.C. § 107, which is incorporated as an exemption from
20 disclosure under the California Public Records Act, California Government Code § 6254(k).

21 a. If Protected Material is sought by a non-party to the Order by discovery request,
22 subpoena, deposition question, interrogatories, Public Records Act request (California Government
23 Code section 6250 *et seq.*), or otherwise sought through a requirement by law or regulation
24 (collectively a "Requirement") such information shall not be disclosed except as required by
25 applicable law or court order. A Party to the Order, as may be modified by the Court, receiving a
26 Public Records Act request shall be the party that determines whether the disclosure of Protected
27 Material in its possession is required by law or court order.
28

1 b. The Party receiving a request or demand for Protected Material through a
2 Requirement shall immediately provide written notice to the Designating Party of the existence,
3 terms, and circumstances of the request or demand, and will not disclose the Protected Material at
4 issue for at least 10 calendar days from the date of providing the Designating Party written notice
5 of such demand or request, to give each other Party an opportunity to seek an order to prevent such
6 disclosure. If such an order is sought, the Party that received the request or demand shall refrain
7 from disclosing the requested or demanded Protected Material until such time as a final
8 determination is made on that order.

9 c. In the event that no order is timely sought by the Designating Party as provided for
10 by paragraph (b) and a Party subject to a request or demand through a Requirement is compelled,
11 in the opinion of its legal counsel, to disclose Protected Material in order to avoid violating the law,
12 being found in contempt, or other substantial penalty, that party shall furnish only that portion of
13 the Privileged Material which is legally required and will not be liable to any other party for the
14 disclosure of Protected Material.

15 d. The costs and expenses for seeking a protective order shall be borne only by the
16 party(ies) seeking the protective order.

17
18 APPROVED AS TO FORM AND
19 CONTENT:

20 Dated: December 3, 2019

21 KELLER & BENVENUTTI LLP

22 /s/ Jane Kim

23 Jane Kim

24 *Attorneys for Debtors*
25 *and Debtors in Possession*

26
27
28 ***END OF ORDER***